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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

VIP PRODUCTS L.L.C., an Arizona limited
liability company,

Case No. 3:20-cv-01101

Plaintiff,

v.

COASTAL FARM & HOME SUPPLY,
LLC, an Oregon limited liability company;
and TAJ IMPORTS, INC., an Ohio
corporation,

**COMPLAINT FOR UNFAIR
COMPETITION, FALSE
DESIGNATION OF ORIGIN,
TRADE DRESS INFRINGEMENT,
AND COPYRIGHT
INFRINGEMENT**

Defendants.

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff VIP PRODUCTS L.L.C. (“Plaintiff”), for its Complaint against
Defendants Coastal Farm & Home Supply, LLC and Taj Imports, Inc., (collectively
“Defendants”), states and alleges the following:

1. This is an action for unfair competition and trade dress infringement under Federal and Oregon state law; for false designation of origin, false or misleading description or representation of facts, and unfair competition under the Federal Trademark Act (15 U.S.C. §1051 et seq.); and for copyright infringement under the Federal Copyright Act (17 U.S.C. §101 et seq.).

2. This court has jurisdiction over the subject matter of this civil action under 28 U.S.C. §1331 and 28 U.S.C. § 1338(a) and (b), and 15 U.S.C. §1121(a). Supplemental subject matter jurisdiction over the claim for unfair competition and trade dress infringement under Oregon law is provided by 28 U.S.C. §§1338(b) and 1367(a).

3. Venue in this judicial district is proper under 28 U.S.C. §1391(b) and (c).

4. Plaintiff VIP Products L.L.C. is an Arizona limited liability company having a principal business address of 16515 S. 40th Street, Suite 121, Phoenix, Arizona 85048.

5. Upon information and belief, Defendant Coastal Farm & Home Supply, LLC (“Coastal”) is an Oregon limited liability company having its principal place of business in Albany, Oregon, and having retail outlets within Cornelius, Oregon (Washington County); Gresham, Oregon (Multnomah County); Oregon City, Oregon (Clackamas County); and The Dalles, Oregon (Wasco County).

6. Upon information and belief, Defendant Taj Imports, Inc. (“Taj”) is an Ohio corporation having its principal place of business in Oakwood Village, Ohio.

COUNT ONE

Trade Dress Infringement, Unfair Competition, and False Designation of Origin

7. Upon information and belief, Taj is the owner of US Trademark Reg. No. 5,219,774 for the trademark “CRITTER CREED”.

8. The claims presented in this action relate to pet toys being sold by Coastal bearing the trademark “CRITTER CREED”.

9. Upon information and belief, Taj has sold and shipped pet toys to Coastal bearing the trademark “CRITTER CREED” for resale within the State of Oregon and elsewhere, and Taj has derived substantial revenue therefrom.

10. Plaintiff is suffering injury in the District of Oregon as a result of Taj’s sale and shipment of pet toys bearing the trademark “CRITTER CREED” to Coastal in the District of Oregon, and by Coastal’s resale of such pet toys in this District.

11. Taj is subject to assertion of personal jurisdiction by this District Court relative to the claims presented by Plaintiff in this Complaint.

12. Plaintiff manufactures and distributes products for pets, including its line of MIGHTY® and TUFFY® dog toys.

13. Included within Plaintiff’s MIGHTY® line of dog toys are a series of distinctive-looking stuffed animals.

14. One of such distinctive-looking stuffed animals is Plaintiff's MIGHTY® Nature Beaver (MT-N-Beaver) toy shown to the right.



15. Another one of the distinctive-looking stuffed animals within Plaintiff's MIGHTY® line of dog toys is Plaintiff's MIGHTY® Farm Horse (MT-F-Horse) toy shown to the right.



16. Still another one of the distinctive-looking stuffed animals within Plaintiff's MIGHTY® line of dog toys is Plaintiff's MIGHTY® Junior Farm Pug (MTJR-F-Pug) toy shown to the right.



17. Another one of the distinctive-looking stuffed animals within Plaintiff's MIGHTY® line of dog toys is Plaintiff's MIGHTY® Nature Duck (MT-N-Duck) toy with a ringed neck shown to the right.



18. Yet another one of the distinctive-looking stuffed animals within Plaintiff's MIGHTY® line of dog toys is Plaintiff's MIGHTY® Junior Nature Fox (MTJR-N-Fox) toy shown to the right.



19 Each of the dog toys identified in Paragraphs 14-18 above is highly distinctive.

20. Upon information and belief, until Defendants' activities complained of herein began, Plaintiff was the sole and exclusive source of dog toys resembling a beaver, a horse, a pug, a ring-necked duck, and a fox.

21. Plaintiff has been making, selling, and promoting each of the dog toys identified in Paragraphs 14-18 above since at least 2012.

22. Plaintiff's sales of the dog toys identified in Paragraphs 14-18 above collectively exceeds \$500,000.

23. Upon information and belief, dog owners associate dog toys resembling a beaver, a horse, a pug, a ring-necked duck, and a fox with a particular source of dog toys, namely, Plaintiff.

24. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a beaver that simulates Plaintiff's dog toy identified in Paragraph 14 above.

25. Exhibit 1 attached hereto is a photograph of Plaintiff's "Beaver" dog toy above and Defendants' "Beaver" dog toy below.

26. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a horse that simulates Plaintiff's horse toy identified in Paragraph 15 above.

27. Exhibit 2 attached hereto is a photograph of Plaintiff's "Horse" dog toy above and Defendants' "Horse" dog toy below.

28. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a pug that simulates Plaintiff's pug toy identified in Paragraph 16 above.

29. Exhibit 3 attached hereto is a photograph of Plaintiff's "Pug" dog toy below and Defendants' "Pug" dog toy above.

30. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a ring-necked duck that simulates Plaintiff's ring-necked duck toy identified in Paragraph 17 above.

31. Exhibit 4 attached hereto is a photograph of Plaintiff's "ring-necked duck" dog toy below and Defendants' "ring-necked duck" dog toy above.

32. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a fox that simulates Plaintiff's fox toy identified in Paragraph 18 above.

33. Exhibit 5 attached hereto is a photograph of Plaintiff's "fox" dog toy below and Defendants' "fox" dog toy above.

34. Upon information and belief, Defendant Taj derived its design for the Critter Creed beaver toy, the Critter Creed horse toy, the Critter Creed pug toy, the Critter Creed ring-necked duck toy, and the Critter Creed fox toy, from Plaintiff's MIGHTY® toys shown in Exhibits 1, 2, 3, 4 and 5, respectively.

35. Included within Plaintiff's TUFFY® line of dog toys are a series of distinctive-looking stuffed barnyard animals.

36. One of such distinctive-looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Junior Barnyard Pig (T-JR-BY-Pig) toy with a pink floral fleece pattern shown to the right.



37. Another one of such distinctive-looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Junior Barnyard Horse (T-JR-BY-Horse) toy shown to the right.



38. Yet another one of such distinctive-looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Junior Barnyard Duck (T-BY-Duck) toy shown to the right.



39. Still another one of such distinctive-looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Junior Barnyard Bull (T-JR-BY-Bull) toy shown to the right.



40. Another one of such distinctive-looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Junior Barnyard Turkey (T-JR-BY-Turkey) toy shown to the right.



41. A further one of such distinctive-looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Junior Barnyard Pony (T-JR-BY-Pony) toy shown to the right.



42. Another one of the distinctive-looking looking barnyard animal dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® Barnyard Mouse Gray (T-BY-Mouse-G) dog toy shown to the right.



43. Each of the "Barnyard" dog toys identified in Paragraphs 36-42 above is highly distinctive, and each of such toys includes a black webbing sewn over and around the outer seams of such toys.

44. Upon information and belief, until Defendants' activities complained of herein began, Plaintiff was the sole and exclusive source of dog toys resembling a pig

with a pink floral fleece pattern, a horse, a duck, a bull, a turkey, a pony, and a mouse, all including black webbing sewn around the seams of such toys.

45. Plaintiff has been making, selling, and promoting each of the dog toys identified in Paragraphs 36-40 and 42 above since at least 2011; the barnyard pony dog toy described in Paragraph 41 was first introduced in 2018.

46. Plaintiff's sales of the dog toys identified in Paragraphs 36-42 above collectively exceeds \$4,900,000.

47. Upon information and belief, dog owners associate dog toys resembling a pig with a pink floral fleece pattern, a horse, a duck, a bull, a turkey, a pony, and a mouse, with black webbing sewn around the seams, with a particular source of dog toys, namely, Plaintiff.

48. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a barnyard pig with a pink floral fleece pattern that simulates Plaintiff's dog toy identified in Paragraph 36 above.

49. Exhibit 6 attached hereto is a photograph of Plaintiff's "pig with pink floral pattern" dog toy above and Defendants' "pig with pink floral pattern" dog toy below.

50. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a barnyard horse that simulates Plaintiff's TUFFY® Junior Barnyard Horse dog toy identified in Paragraph 37 above.

51. Exhibit 7 attached hereto is a photograph of Plaintiff's "barnyard horse" dog toy below and Defendants' "barnyard horse" dog toy above.

52. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a barnyard duck that simulates Plaintiff's TUFFY® Junior Barnyard Duck dog toy identified in Paragraph 38 above.

53. Exhibit 8 attached hereto is a photograph of Plaintiff's "barnyard duck" dog toy on the right and Defendants' "barnyard duck" dog toy on the left.

54. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a bull that simulates Plaintiff's TUFFY® Junior Barnyard Bull dog toy identified in Paragraph 39 above.

55. Exhibit 9 attached hereto is a photograph of Plaintiff's "barnyard bull" dog toy above and Defendants' "barnyard bull" dog toy below.

56. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a turkey that simulates Plaintiff's TUFFY® Junior Barnyard Turkey dog toy identified in Paragraph 40 above.

57. Exhibit 10 attached hereto is a photograph of Plaintiff's "barnyard turkey" dog toy on the right and Defendants' "barnyard turkey" dog toy on the left.

58. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a pony that simulates Plaintiff's TUFFY® Junior Barnyard Pony dog toy identified in Paragraph 41 above.

59. Exhibit 11 attached hereto is a photograph of Plaintiff's "barnyard pony" dog toy below and Defendants' "barnyard pony" dog toy above.

60. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a gray mouse that simulates Plaintiff's TUFFY® Barnyard Mouse Gray dog toy identified in Paragraph 42 above.

61. Exhibit 12 attached hereto is a photograph of Plaintiff's "gray mouse" dog toy below and Defendants' "gray mouse" dog toy above.

62. Upon information and belief, Defendant Taj derived its design for the Critter Creed pink floral pig toy, the Critter Creed barnyard horse toy, the Critter Creed barnyard duck toy, the Critter Creed barnyard bull toy, the Critter Creed barnyard turkey toy, the Critter Creed pony toy, and the Critter Creed barnyard mouse toy, from Plaintiff's TUFFY® toys shown in Exhibits 6, 7, 8, 9, 10, 11 and 12, respectively.

63. Also included within Plaintiff's TUFFY® line of dog toys are a series of distinctive-looking activity toys.

64. One of such distinctive-looking activity dog toys within Plaintiff's TUFFY® line of dog toys is Plaintiff's TUFFY® 3-Way Tug Camo Blue (T-U-3WT-CB) toy shown to the right.



65. Another one of the distinctive-looking TUFFY® activity dog toys is Plaintiff's TUFFY No Stuff Ultimate Ring Red Paw (T-NS-U-R-RP) toy shown to the right.



66. Like the other TUFFY® series toys described above, Plaintiff's TUFFY® 3-Way Tug Camo Blue activity toy and No Stuff Ultimate Ring Red Paw toy include distinctive black protective webbing sewn over outer seams of the toy.

67. Upon information and belief, until Defendants' activities complained of herein began, Plaintiff was the sole and exclusive source of activity dog toys resembling the 3-Way Tug Camo Blue activity toy and No Stuff Ultimate Ring Red Paw toy, all including black webbing sewn around the seams of such toys.

68. Plaintiff has been making, selling, and promoting TUFFY® 3-Way Tug Camo Blue dog toys and Ultimate Ring Red Paw dog toys since 2010 or earlier.

69. Plaintiff's sales of its TUFFY® 3-Way Tug Camo Blue dog toys and Ultimate Ring Red Paw dog toys collectively exceeds \$5 Million.

70. Upon information and belief, dog owners associate dog toys resembling the 3-Way Tug Camo Blue activity toy and No Stuff Ultimate Ring Red Paw toy, both including black webbing sewn around the seams of such toys, with a particular source of dog toys, namely, Plaintiff.

71. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a 3-way tug toy with a blue camouflage fleece pattern that simulates Plaintiff's TUFFY® 3-Way Tug Camo Blue dog toy identified above.

72. Exhibit 13 attached hereto is a photograph of Plaintiff's 3 Way Tug Camo Blue activity dog toy on the right, and Defendants' counterpart activity dog toy on the left.

73. Coastal is offering for sale, and selling, Taj's Critter Creed brand dog toy in the form of a ring toy with a red paw-print fleece pattern that simulates Plaintiff's TUFFY® Ultimate Ring Red Paw dog toy identified above.

74. Exhibit 14 attached hereto is a photograph showing two versions of Plaintiff's TUFFY® Ultimate Ring Red Paw activity dog toy along the bottom and Defendants' counterpart activity dog toy along the top.

75. Upon information and belief, Defendant Taj derived its design for the Critter Creed 3-way tug toy, and the Critter Creed ring toy, from Plaintiff's MIGHTY® toys shown in Exhibits 13 and 14, respectively.

76. Taj's Critter Creed dog toys shown in attached Exhibits 1-14 have simulated many of the distinctive features, such as the size, shape, color, color combinations, texture, and graphics, of the corresponding dog toys made and sold by Plaintiff.

77. When taken together, the size, shape, color, color combinations, texture, and graphics, of Plaintiff's MIGHTY® and TUFFY® dog toys shown in Exhibits 1-14 create a distinctive visual impression and trade dress.

78. The above-described distinctive trade dress features of Plaintiff's MIGHTY® and TUFFY® dog toys shown in Exhibits 1-14 are entirely ornamental, and are not functional in nature.

79. Upon information and belief, Taj purposely simulated such distinctive trade dress features of Plaintiff's dog toys shown in Exhibits 1-14 to unfairly benefit from the goodwill and consumer recognition associated with the counterpart dog toys long sold by Plaintiff.

80. Taj's Critter Creed dog toys shown in Exhibits 1-14 are essentially "knock-offs" of the corresponding Plaintiff's dog toys shown in each of Exhibits 1-14, and falsely designate the origin of such dog toys.

81. Taj's Critter Creed dog toys shown in Exhibits 1-14 are likely to confuse purchasers regarding the source and/or origin of such products.

82. Taj's Critter Creed dog toys shown in Exhibits 1-14 are likely to cause confusion, or to cause mistake, or to deceive, the public into believing that such Critter Creed dog toys originate with, are sponsored by, or affiliated with Plaintiff.

83. Purchasers of Taj's Critter Creed dog toys shown in Exhibits 1-14 are likely to associate such products with Plaintiff.

84. Upon information and belief, Taj's Critter Creed dog toys shown in Exhibits 1-14 are not of the same quality as Plaintiff's corresponding products, and Plaintiff's reputation for supplying high quality dog toys is being damaged by the sale and distribution of Taj's Critter Creed dog toys shown in Exhibits 1-14.

85. Plaintiff's MIGHTY® and TUFFY® dog toys shown in Exhibits 1-14, and Defendants' Critter Creed dog toys shown in Exhibits 1-14, are marketed and sold to the same class of consumers, namely, dog supply vendors, and dog owners, within the United States.

86. Plaintiff's MIGHTY® and TUFFY® dog toys shown in Exhibits 1-14, and Defendants' Critter Creed dog toys shown in Exhibits 1-14, are competitive goods relative to Plaintiff's TUFFY® dog toys.

87. Plaintiff has never licensed, agreed to, or otherwise consented to Defendants' use of confusingly similar trade dress on the Critter Creed dog toys shown in Exhibits 1-14.

88. Defendants' use in commerce, distribution, promotion, offering for sale, and sale of the Critter Creed dog toys constitutes false designation of origin, false description, and unfair competition, in violation of 15 U.S.C. § 1125(a).

89. Defendants' use, distribution, promotion, offering for sale, and sale of the Critter Creed dog toys constitutes trade dress infringement and unfair competition under the common law, including the common law of the State of Oregon.

90. Defendants' acts of false designation of origin, false descriptions, unfair competition, and trade dress infringement, as alleged above, have caused and will continue to cause damage and irreparable harm to Plaintiff and are likely to continue unabated unless enjoined by this Court. Plaintiff has no fully adequate remedy at law.

COUNT TWO

Copyright Infringement

91. Plaintiff hereby repeats and realleges the contents of Paragraphs 1-90 as if fully set forth herein.

92. Plaintiff is the owner of US Copyright Reg. No. VA 1-814-120 dated February 29, 2012, and entitled "Polly Pig Floral Fleece Pattern".

93. A true copy of US Copyright Reg. No. VA 1-814-120 is attached hereto as Exhibit 15.

94 The photo inserted to the right exemplifies the fleece pattern deposited with the US Copyright Office along with the application for US Copyright Reg. No. VA 1-814-120.



95 Coastal is selling and distributing Taj's Critter Creed brand "pig with pink floral pattern" dog toy incorporating Plaintiff's copyrighted "Polly Pig Floral Fleece Pattern" as shown below:



96. The fleece pattern design incorporated into Taj's Critter Creed brand "pig with pink floral pattern" dog toy is substantially identical to Plaintiff's copyrighted "Polly Pig Floral Fleece Pattern" which is the subject of US Copyright Reg. No. VA 1-814-120 of Exhibit 15.

97. Plaintiff's copyrighted "Polly Pig Floral Fleece Pattern" was first published in 2007 and has been used within dog toys made and sold by Plaintiff since 2007; one example of a dog toy made and sold by Plaintiff, and incorporating Plaintiff's copyrighted "Polly Pig Floral Fleece Pattern", is shown below:



98. Defendants had access to Plaintiff's copyrighted "Polly Pig Floral Fleece Pattern" before Defendants began to distribute and sell Taj's Critter Creed brand "pig with pink floral pattern" dog toy.

99. The fleece pattern incorporated within Taj's Critter Creed brand "pig with pink floral pattern" dog toy was copied from Plaintiff's copyrighted "Polly Pig Floral Fleece Pattern" without Plaintiff's knowledge or consent.

100. Taj's Critter Creed brand "pig with pink floral pattern" dog toy infringes Plaintiff's copyright registered as US Copyright Reg. No. VA 1-814-120 of Exhibit 15.

101. Defendants have engaged in, and are engaging in, copyright infringement by making and/or distributing copies of Plaintiff's copyrighted work entitled "Polly Pig Floral Fleece Pattern" without Plaintiff's consent.

102. All of Plaintiff's dog toys incorporating its copyrighted "Polly Pig Floral Fleece Pattern" have been sold and distributed attached to a header card advising that such products are protected by copyright.

103. Upon information and belief, Defendants' infringement of Plaintiff's copyright registered as US Copyright Reg. No. VA 1-814-120 has been intentional and willful.

104. Upon information and belief, Defendants will continue such acts of copyright infringement of Plaintiff's copyright registered as US Copyright Reg. No. VA 1-814-120 unless enjoined from doing so by this Court.

105. Plaintiff has been damaged by Defendants' acts of copyright infringement of Plaintiff's copyright registered as US Copyright Reg. No. VA 1-814-120 set forth above.

106. Plaintiff is the owner of US Copyright Reg. No. VA 1-847-904 dated March 28, 2012, and entitled "Red Paw Print Fleece Pattern".

107. A true copy of US Copyright Reg. No. VA 1-847-904 is attached hereto as Exhibit 16.

108. The photo inserted to the right exemplifies the fleece pattern deposited with the US Copyright Office along with the application for US Copyright Reg. No. VA 1-847-904.



109. Coastal is selling and distributing Taj's Critter Creed brand ring activity dog toy incorporating Plaintiff's copyrighted "Red Paw Print Fleece Pattern" as shown below:



110. The fleece pattern design incorporated into Taj's Critter Creed brand ring activity dog toy is substantially identical to Plaintiff's copyrighted "Red Paw Print Fleece Pattern" which is the subject of US Copyright Reg. No. VA 1-847-904 of Exhibit 16.

111. Plaintiff's copyrighted "Red Paw Print Fleece Pattern" was first published in 2004 and has been used within dog toys made and sold by Plaintiff since 2004; one example of a dog toy made and sold by Plaintiff, and incorporating Plaintiff's copyrighted "Red Paw Print Fleece Pattern", is shown below:



112. Defendants had access to Plaintiff's copyrighted "Red Paw Print Fleece Pattern" before Defendants began to distribute and sell Taj's Critter Creed brand ring activity dog toy.

113. The fleece pattern incorporated within Taj's Critter Creed brand ring activity dog toy was copied from Plaintiff's copyrighted "Red Paw Print Fleece Pattern" without Plaintiff's knowledge or consent.

114. Taj's Critter Creed brand ring activity dog toy infringes Plaintiff's copyright registered as US Copyright Reg. No. VA 1-847-904 of Exhibit 16.

115. Defendants have engaged in, and are engaging in, copyright infringement by making and/or distributing copies of Plaintiff's copyrighted work entitled "Red Paw Print Fleece Pattern" without Plaintiff's consent.

116. All of Plaintiff's dog toys incorporating its copyrighted "Red Paw Print Fleece Pattern" have been sold and distributed attached to a header card advising that such products are protected by copyright.

117. Upon information and belief, Defendants' infringement of Plaintiff's copyright registered as US Copyright Reg. No. VA 1-847-904 has been intentional and willful.

118. Upon information and belief, Defendants will continue such acts of copyright infringement of Plaintiff's copyright registered as US Copyright Reg. No. VA 1-847-904 unless enjoined from doing so by this Court.

119. Plaintiff has been damaged by Defendants' acts of copyright infringement of Plaintiff's copyright registered as US Copyright Reg. No. VA 1-847-904 set forth above.

WHEREFORE, Plaintiff requests:

(1) That the Court preliminarily and permanently enjoin Defendants and their employees, agents, representatives, successors, and assigns and all persons in active concert or participation with them, from: (a) using Plaintiff's distinctive trade dress described above, any confusingly similar variations thereof, and/or any colorable imitations thereof, in conjunction with the distribution, promotion, display, offering for

sale and/or sale of pet toys, including dog toys; (b) reproducing and making copies of Plaintiff's copyrighted fleece patterns, preparing derivative works based on Plaintiff's original copyrighted fleece patterns, distributing copies of Plaintiff's copyrighted fleece patterns to the public by sale or other form of transfer, and/or publicly displaying Plaintiff's copyrighted fleece patterns; and (c) otherwise unfairly competing with Plaintiff in the manner alleged herein; 15 U.S.C. §1116; 17 U.S.C. §502.

(2) That the Court order that all such dog toys, product labels, signs, prints, packages, wrappers, receptacles, marketing materials, and advertisements in the possession of Defendants simulating Plaintiff's distinctive trade dress and/or Plaintiff's copyrighted fleece patterns, and all plates, molds, matrices, and other means of making the same, to be delivered up and destroyed; 15 U.S.C. §1118; 17 U.S.C. §503.

(3) That the Court order Defendants to pay to Plaintiff such damages sustained by Plaintiff and to account for and pay to Plaintiff such profits realized by Defendants as the law allows: (a) in consequence of Defendants' acts of federal false designation of origin, false descriptions, unfair competition, and trade dress infringement; 15 U.S.C. §§1114, 1117; (b) in consequence of Defendant's acts of state trade dress infringement and unfair competition; and c) either Plaintiff's actual damages and any additional profits of Defendants resulting from copyright infringement, or statutory copyright damages, at the discretion of Plaintiff; 17 U.S.C. §504.

(4) That the Court find that the circumstances and actions of Defendants are sufficient to merit an award of exemplary damages to Plaintiff in the amount of three times the amount found as actual damages; 15 U.S.C. §1117.

(5) That the Court order Defendants to pay Plaintiff its costs and expenses related to this action; 15 U.S.C. §1117; 17 U.S.C. §505.

(6) That the Court order Defendant to pay Plaintiff its attorneys' fees related to this action; 15 U.S.C. §1117; 17 U.S.C. §505.

(7) That the Court award such other and further relief as the Court deems appropriate.

JURY TRIAL DEMAND

Plaintiff requests a trial by jury on all issues so triable in accord with Rule 38 of the Federal Rules of Civil Procedure.

DATED this 8th day of July, 2020.

KELL, ALTERMAN & RUNSTEIN, L.L.P.

s/ Thomas R. Rask, III

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